

Missing Parts

Washington, D.C. 20231

APPLICATION NUMBER	FILING/RECEIPT DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NO./TITLE
09/440,371	11/12/99	BLACKBURN	A-66566-3/RF
0222/1208			NOT ASSIGNED
FLEHR HOHBACH TEST ALBRITTON & HERBER FOUR EMBARCADERO CENTER SUITE 3400 SAN FRANCISCO CA 94111-4187			1643



DATE MAILED: 12/08/99

NOTICE TO FILE MISSING PARTS OF APPLICATION

Filing Date Granted

An Application Number and Filing Date have been assigned to this application. The items indicated below, however, are missing. Applicant is given TWO MONTHS FROM THE DATE OF THIS NOTICE within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a). If any of items 1 or 3 through 5 are indicated as missing, the SURCHARGE set forth in 37 CFR 1.16(e) of \$65.00 for a small entity in compliance with 37 CFR 1.27, or \$130.00 for a non-small entity, must also be timely submitted in reply to this NOTICE to avoid abandonment.

If all required items on this form are filed within the period set above, the total amount owed by applicant as a ☐ small entity (statement filed) ☒ non-small entity is \$ 1300.

☒ 1. The statutory basic filing fee is:

- ☐ missing
☐ insufficient

Applicant must submit \$ 700 to complete the basic filing fee and/or file a small entity statement claiming such status (37 CFR 1.27).

☒ 2. The following additional claims fees are due:

\$ 180 for 10 total claims over 20.
\$ 312 for 4 independent claims over 3.
\$ _____ for multiple dependent claim surcharge.

Applicant must either submit the additional claim fees or cancel additional claims for which fees are due.

☒ 3. The oath or declaration:

- ☐ is missing or unsigned.
☒ does not cover the newly submitted items.

An oath or declaration in compliance with 37 CFR 1.63, including residence information and identifying the application by the above Application Number and Filing Date is required.

☐ 4. The signature(s) to the oath or declaration is/are by a person other than inventor or person qualified under 37 CFR 1.42, 1.43 or 1.47.

A properly signed oath or declaration in compliance with 37 CFR 1.63, identifying the application by the above Application Number and Filing Date, is required.

☐ 5. The signature of the following joint inventor(s) is missing from the oath or declaration:

An oath or declaration in compliance with 37 CFR 1.63 listing the names of all inventors and signed by the omitted inventor(s), identifying this application by the above Application Number and Filing Date, is required.

☐ 6. A \$50.00 processing fee is required since your check was returned without payment (37 CFR 1.21(m)).

☐ 7. Your filing receipt was mailed in error because your check was returned without payment.

☐ 8. The application was filed in a language other than English.

Applicant must file a verified English translation of the application, the \$130.00 set forth in 37 CFR 1.17(k), unless previously submitted and a statement that the translation is accurate (37 CFR 1.52(d)).

☐ 9. OTHER:

Direct the reply and any questions about this notice to "Attention: Box Missing Parts."

A copy of this notice MUST be returned with the reply.

Customer Service Center
Initial Patent Examination Division (703) 308-1202

03/15/2000 VVRN11 00000071 061300 09440371
01 FC:202
02 FC:203
03 FC:205

156.00 DP
90.00 DP
65.00 DP

Drop Dead

03/15/2000 VVRN11 00000071 061300 09440371
35.00 EN 345.00 DP



PATENT

Attorney Docket No.: A-66566-3/RFT/RMS/RMK

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:)	Examiner:	Not Assigned
)		
BLACKBURN, et al.)	Group Art Unit:	1643
)		
Serial No.: 09/440,371)		
)		
Filed: 12 November 1999)		
)		
For: BINDING ACCELERATION)		
TECHNIQUES FOR THE)		
DETECTION OF ANALYTES)		

RECEIVED

MAR 15 2000

OFFICE OF PETITIONS
DEPUTY A/C PATENTS

#5

CERTIFICATE OF MAILING

I hereby certify that this correspondence, including listed enclosures, is being deposited with the United States Postal Service as First Class Mail in an envelope addressed to: Box Missing Parts, Assistant Commissioner for Patents, Washington, D.C. 20231 on MAR 6 - 2000.

Signed: Todd V. Leone

Todd V. Leone

TRANSMITTAL OF MISSING PARTS OF APPLICATION

Box MISSING PARTS
Assistant Commissioner of Patents
Washington, DC 20231

Sir:

This is in response to the Notice to File Missing Parts of Application, *Filing Date Granted*, mailed December 8, 1999.

In addition, included in this communication are materials submitted under 37 C.F.R. § 1.47(a) and M.P.E.P. § 409.03 because one of the inventors, Stephen D. O'Connor, has refused to sign the declaration for the above application. As shown in the accompanying documents, applicants submit it is not possible to obtain Stephen D. O'Connor's signature on these documents because he has expressly refused to cooperate.

Thus, applicants petition under 37 C.F.R. § 1.47(a) to accept the enclosed declaration, which is missing the signature of Stephen D. O'Connor.

Accordingly, as outlined in M.P.E.P. § 409.03, applicants request that this application, along with these papers, be forwarded to the Special Program Law Office.

Applicants submit the following documents, including those submitted under 37 C.F.R. § 1.47(a) and M.P.E.P. 409.03:

1. This Transmittal of Missing Parts of Application;
2. The return copy of the Notice to File Missing Parts of Application, *Filing Date Granted* (Form PTO-1533);
3. Petition for Extension of Time;
4. Check in the amount of \$55.00 to pay the one-month extension fee;
5. Declaration for Patent Application;
6. Verified Statement (Declaration) Claiming Small Entity Status;
7. Assignment of patent application with PTO-1595 Recordation Cover Form;
8. Check in the amount of \$40.00 to pay the recordation fee;
9. Power of Attorney by Assignee;
10. Check in the amount of \$786.00, which is to pay the following fees at the small entity rate: the missing parts surcharge (\$65.00), the basic filing fee (\$345.00), the fee for 10 excess total claims (\$90.00), the fee for 4 excess independent claims (\$156.00); and the fee for filing a petition under 37 C.F.R. § 1.47(a) (\$130.00).
11. Petition Under 37 C.F.R. § 1.47(a);
12. Declaration of Robin M. Silva, the attorney of record, specifying the circumstances of the refusal (*see* M.P.E.P. 409.03(d)) and which provides the last known address of the Stephen D. O'Connor (*see* M.P.E.P. 409.03(e));
13. Exhibit 1 consisting of a copy of the letter sent requesting that the declaration and assignment be signed and dated by each inventor;

14. Exhibit 2 consisting of a copy of letter sent to Stephen D. O'Connor;
15. Exhibit 3 consisting of a copy of the facsimile confirming Stephen D. O'Connor's refusal to sign;
16. Exhibit 4 consisting of a copy of the Agreement signed by Stephen D. O'Connor when he joined Clinical Micro Sensors, Inc.; and
17. Declarations of Gary F. Blackburn, Stephen E. Creager, Scott Fraser, Bruce D. Irvine, Thomas J. Meade, Robert H. Terbrueggen, Jost G. Vielmetter and Thomas W. Welch, for application on behalf of Stephen D. O'Connor.

If the Examiner has any questions or would care to discuss any of the materials after receipt of these materials, the Examiner is invited to call the undersigned at (415) 781-1989.

Date: March 6 2000

Respectfully submitted,

FLEHR HOHBACH TEST
ALBRITTON & HERBERT, LLP

By: 

Richard F. Trecartin
Reg. No. 31,801

Four Embarcadero Center, Suite 3400
San Francisco, California 94111-4187
Telephone: (415) 781-1989
Facsimile: (415) 398-3249

Applicant or Patentee: BLACKBURN, et al.
Serial or Patent No.: 09/440,371
Filed or Issued: November 12, 1999
For: BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES

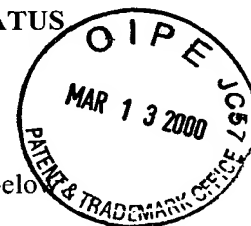
Attorney's Docket No.:
A-66566-3/RFT/RMS

#7

**VERIFIED STATEMENT (DECLARATION) CLAIMING SMALL ENTITY STATUS
(37 CFR 1.9(f) and 1.27(c)) - SMALL BUSINESS CONCERN**

I hereby declare that I am

- ☐ the owner of the small business concern identified below:
☒ an official of the small business concern empowered to act on behalf of the concern identified below



NAME OF SMALL BUSINESS CONCERN: Clinical Micro Sensors, Inc.
ADDRESS OF SMALL BUSINESS CONCERN: 101 Waverly Drive, Pasadena, California 91105

I hereby declare that the above identified small business concern qualifies as a small business concern as defined in 13 CFR 121.12, and reproduced in 37 CFR 1.9(d), for purposes of paying reduced fees to the United States Patent and Trademark Office, United States Code, in that the number of employees of the concern, including those of its affiliates, does not exceed 500 persons. For purposes of this statement, (1) the number of employees of the business concern is the average over the previous fiscal year of the concern of the persons employed on a full-time, part-time or temporary basis during each of the pay periods of the fiscal year, and (2) concerns are affiliates of each other when either, directly or indirectly, one concern controls or has the power to control the other, or a third party or parties controls or has the power to control both.

I hereby declare that rights under contract or law have been conveyed to and remain with the small business concern identified above with regard to the invention entitled

BINDING ACCELERATION TECHNIQUES FOR THE DETECTION OF ANALYTES

by inventor(s) Gary Blackburn, Stephen E. Creager, Scott Fraser, Bruce D. Irvine, Thomas J. Meade, Stephen D. O'Connor, Robert H. Terbruggen, Jost G. Vielmetter, Tom Welch described in

- ☐ the specification filed herewith
☒ application Serial No. 09/440,371, filed November 12 1999
☐ patent no. _____, issued _____

If the rights held by the above identified small business concern are not exclusive, each individual, concern or organization having rights in the invention is listed below* and no rights to the invention are held by any person, other than the inventor, who would not qualify as an independent inventor under 37 CFR 1.9(c) if that person made the invention, or by any concern which would not qualify as a small business concern under 37 CFR 1.9(d), or a nonprofit organization under 37 CFR 1.9(e). *NOTE: Separate verified statements are required from each named person, concern or organization having rights to the invention averring to their status as small entities. (37 CFR 1.27)

NAME: _____
ADDRESS: _____
☐ INDIVIDUAL ☒ SMALL BUSINESS CONCERN ☐ NONPROFIT ORGANIZATION

I acknowledge the duty to file, in this application or patent, notification of any change in status resulting in loss of entitlement to small entity status prior to paying, or at the time of paying, the earliest of the issue fee or any maintenance fee due after the date on which status as a small entity is no longer appropriate. (37 CFR 1.28(b)).

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patent issuing thereon, or any patent to which this verified statement is directed.

NAME OF PERSON SIGNING Gary F. Blackburn, Ph.D. ☒
TITLE IN ORGANIZATION Vice President, Scientific Affairs ☒
ADDRESS OF PERSON SIGNING 101 Waverly Drive, Pasadena, California 91105

SIGNATURE [Signature] DATE 2/7/00 ☒